

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, June 12, 2018, 5:00pm



TABLE OF CONTENTS

WORK SESSION:

Agenda.....	1
Auditor's Discussion & Analysis, 2017 – Mauldin & Jenkins	3
COSF Website Preview – Ashley Minter-Osanyinbi, Public Relations Specialist	
Animal Control Services – Odie Donald II, City Manager	
Discussion regarding 2017/2018 Budget & Financial Reports (Gilyard)	



The Honorable William "Bill" Edwards, Mayor
The Honorable Mark Baker, District 7, Mayor Pro Tem
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember

WORK SESSION AGENDA

1. Call to Order
2. Discussion Items
 - a. Auditor's Discussion & Analysis Presentation of 2017 - Mauldin & Jenkins
 - b. City of South Fulton Website Preview - Ashley Minter-Osanyinbi, Public Relations Specialist
 - c. Animal Control Services Presentation - Odie Donald II, City Manager
 - d. Discussion regarding 2017/2018 Budget and Financial Reports. **(Gilyard)**
3. Executive Session, if necessary
4. Adjournment



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL WORK SESSION



SUBJECT: Audit Presentation

DATE OF MEETING: 6/12/2018

DEPARTMENT: Finance

ATTACHMENTS:

Description	Type	Upload Date
Audit Presentation - 2017	Cover Memo	6/7/2018



Presentation of 2017 Auditor's Discussion and Analysis

**City of South Fulton, Georgia
Mayor/Council Meeting**

- Engagement Team
- Results of the 2017 Audit
- Comments, Recommendations, and Other Issues
- Questions



MAULDIN & JENKINS – GOVERNMENTAL PRACTICE

■ **General Information:**

- Founded in 1918, large regional firm serving the Southeastern United States.
- Offices located in Macon, Atlanta, Albany, Birmingham, Chattanooga, Columbia, and Bradenton with firm governmental leadership positioned in the Atlanta (and Macon) offices.

■ **Governmental Sector:**

- Largest specific industry niche served by Firm representing 25% of Firm practice.
- Serve 100 municipalities throughout the Southeast.
- Serve more governmental entities in Georgia than any other certified public accounting firm requiring over 85,000 hours of service on an annual basis.
- Serves 105 governments receiving the GFOA Certificate of Achievement for Excellence in Financial Reporting.
- Experience auditing a substantial part of the State of Georgia including: approximately 25% of the State's General Fund and 13 of the State of Georgia's component units.
- Approximately 90 professional staff persons with current governmental experience.
- Current auditor for over 400 total governments in the Southeast, including approximately:
 - ✓ 100 Cities ✓ 45 Counties ✓ 50 School Systems ✓ 40 State entities
 - ✓ 140 Special Purpose Entities (stand-alone business type entities, libraries, and etc.)





Engagement Team



Engagement Team Leaders for the City of South Fulton Include:

- Doug Moses, Quality Assurance Partner – 19 years experience, 100% governmental
- Adam Fraley, Client Service Partner – 21 years experience, 100% governmental
- James Bence, Audit Service Partner – 15 years experience, 100% governmental

Mauldin & Jenkins – Additional Information

Other Industries & Services by Mauldin & Jenkins:

Each of Mauldin & Jenkins' offices provides a wide variety of services to a broad range of clientele. We have partners and managers who are responsible for specialized practice areas of auditing and accounting, taxes and management advisory services. Their purpose, as leaders in the particular practice area, is to establish policies with respect to technical matters in these specific areas and ensure that the quality of the Firm's practice is maintained.

Industries Served: Over the years our partners have developed expertise in certain industries representative of a cross section of the Georgia economy, including:

- | | |
|---|------------------------------|
| - Governmental Entities (state entities, cities, counties, school systems, business type operations, libraries, and other special purpose entities) | - SEC Registrants |
| - Agri-Businesses | - Wholesale Distribution |
| - Professional Services | - Manufacturing |
| - Financial Institutions (community banks, savings & loans, thrifts, credit unions, mortgage companies, and finance companies) | - Employee Benefit Plans |
| - Long-term Healthcare | - Non-Profit Organizations |
| - Individuals, Estates and Trusts | - Retail Businesses |
| | - Construction & Development |
| | - Real Estate Management |



Results of September 30, 2017 Audit

- Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS)
 - We considered the internal control structure for the purpose of expressing our opinion on the City's basic financial statements and not providing assurance on the internal control structure.
 - Our audit was performed in accordance with GAAS.
 - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
 - The basic financial statements are the responsibility of the City's management.
- Report on 2017 Basic Financial Statements
 - Unmodified ("clean") opinion on basic financial statements. Audit report date of March 28, 2018.
 - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
 - Our responsibility does not extend beyond financial information contained in our report.
- Report in accordance with *Government Auditing Standards* for 2017
 - Two material weaknesses in internal control over financial reporting; no instances of noncompliance cited. Audit report date of March 28, 2018.



Results of September 30, 2017 Audit (Continued)

■ Significant Accounting Policies

- The significant accounting policies used by the City are described in Note 1 to the basic financial statements.
- Implemented in the current fiscal year.
- In considering the policies used by the City are in accordance with generally accepted accounting principles and similar government organizations, with no significant new policies e qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.

■ Management Judgment/Accounting Estimates

- The City uses various estimates as part of its financial reporting process – including valuation of accounts receivable (recording of allowance for uncollectible accounts).
- Management's estimates used in preparation of financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management's calculations in evaluating the City's significant accounting estimates.

■ Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part our audit.



Results of September 30, 2017 Audit (Continued)

■ Relationship with Management

- We received full cooperation from the City's management, staff, and others.
- There were no disagreements with management on accounting issues or financial reporting matters.

■ Audit Adjustments

- Adjustments were proposed to the records of the City and have been recorded in the City's financial statements. The City's finance director has copies of these audit entries and will have available with this presentation. There were no passed adjustments.

■ Representation from Management

- We requested written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us, during the audit. Management provided those written representations without a problem.



Results of September 30, 2017 Audit (Continued)

■ Consultation with Other Accountants

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

■ Significant Issues Discussed with Management

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

■ Information in Documents Containing Audited Financial Statements

- Our responsibility for other information in documents containing the City's basic financial statements and our report thereon does not extend beyond the information identified in our report. If the City intends to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. The City must also provide us with a copy of the final reproduced material for our approval before it is distributed.

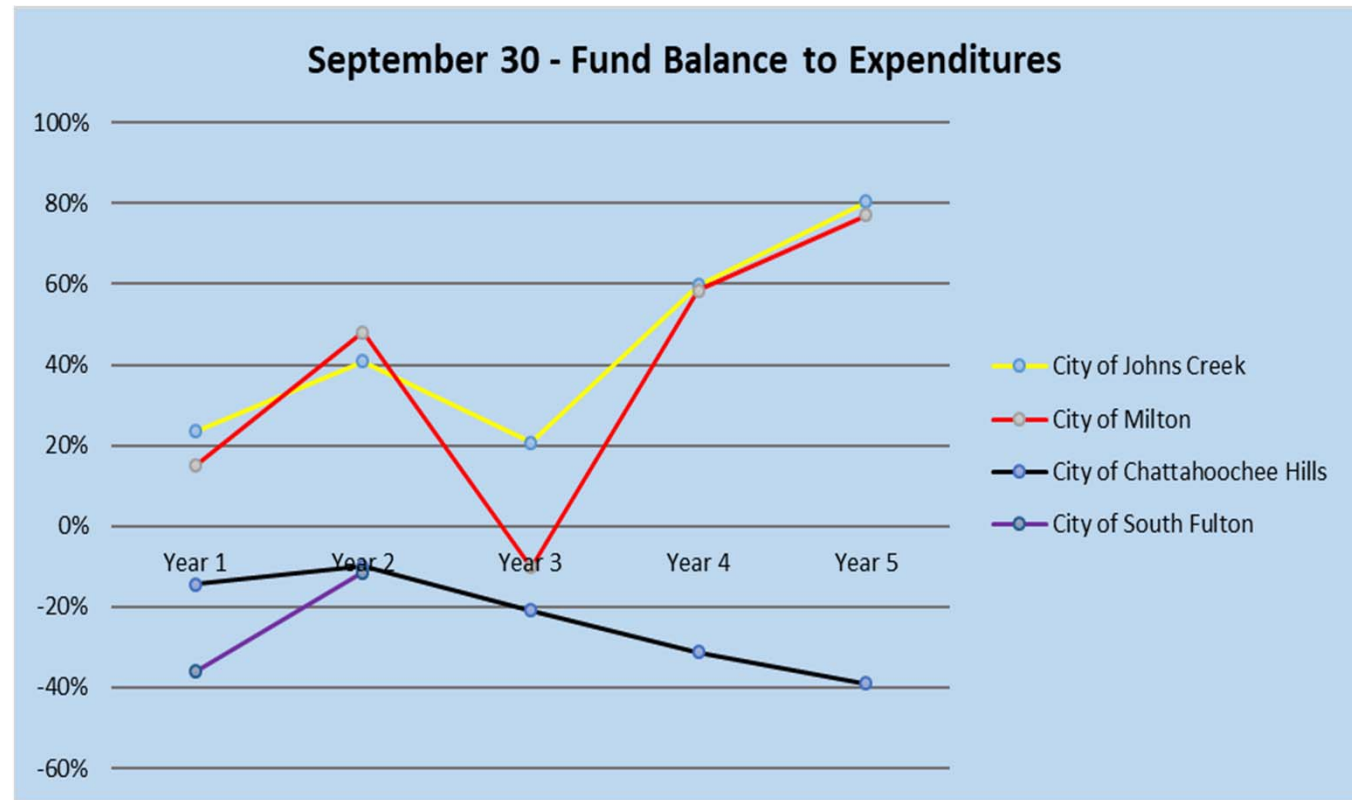
■ Auditor Independence

- In accordance with AICPA professional standards, M&J is independent with regard to the City and its financial reporting process.
- There were no fees paid to M&J for management advisory services during fiscal period 2017 that might effect our independence as auditors.



Newly Incorporated Cities – September 30 YE

Over the past 14 years we have worked with each of the newly incorporated cities throughout the State. Below is an analysis of the City of South Fulton's year one performance as compared to each of the cities, broken into charts for each of the respective fiscal years (June 30, September 30, and December 31 year-ends):

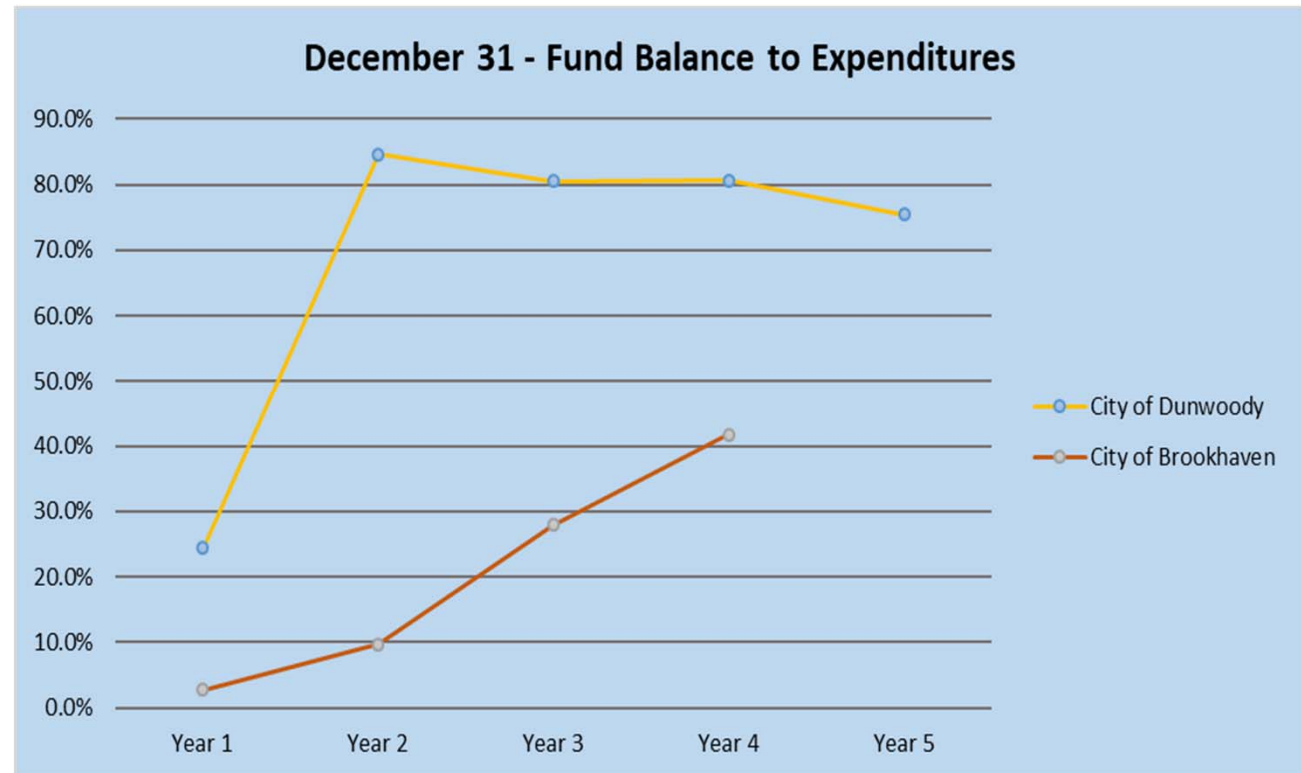


In the chart above, the City of South Fulton's year 2 numbers are based on the adopted budget for the 2018 fiscal year.

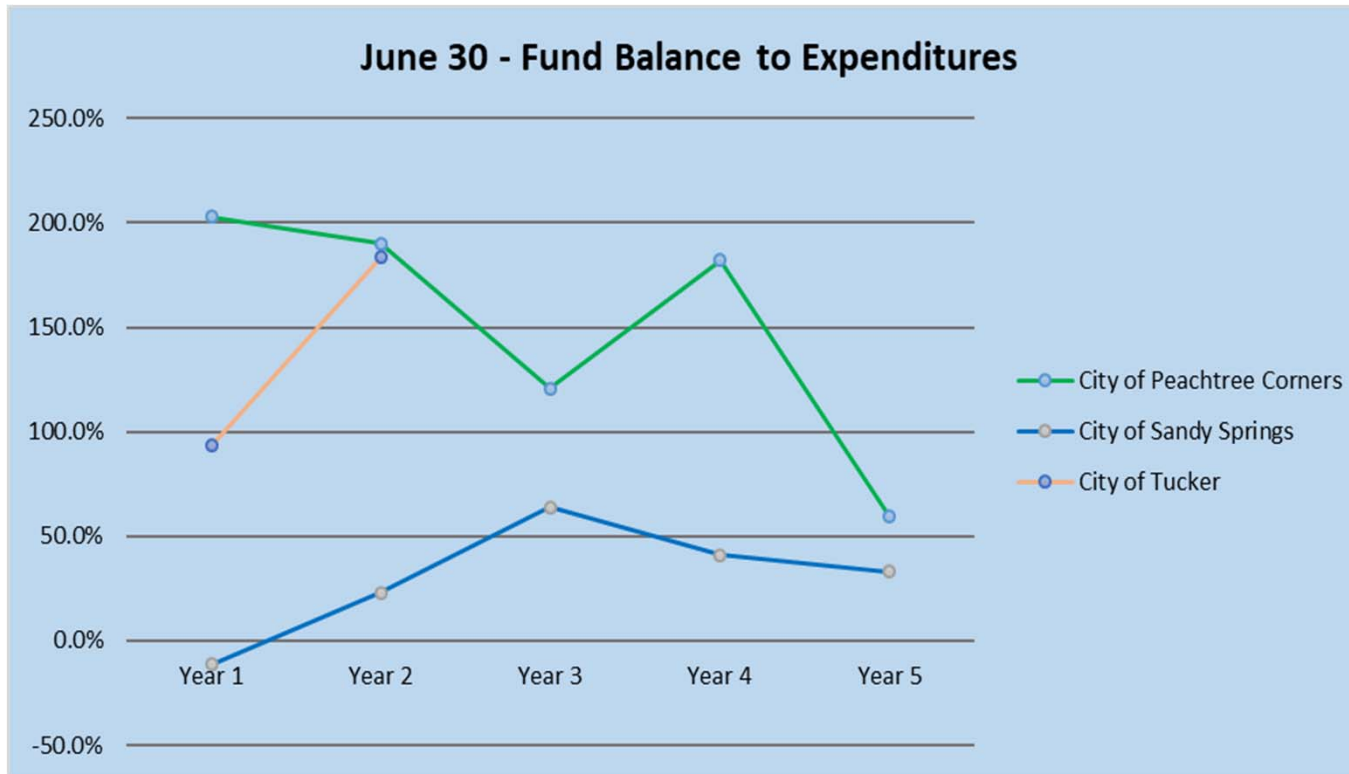


Newly Incorporated Cities – December 31

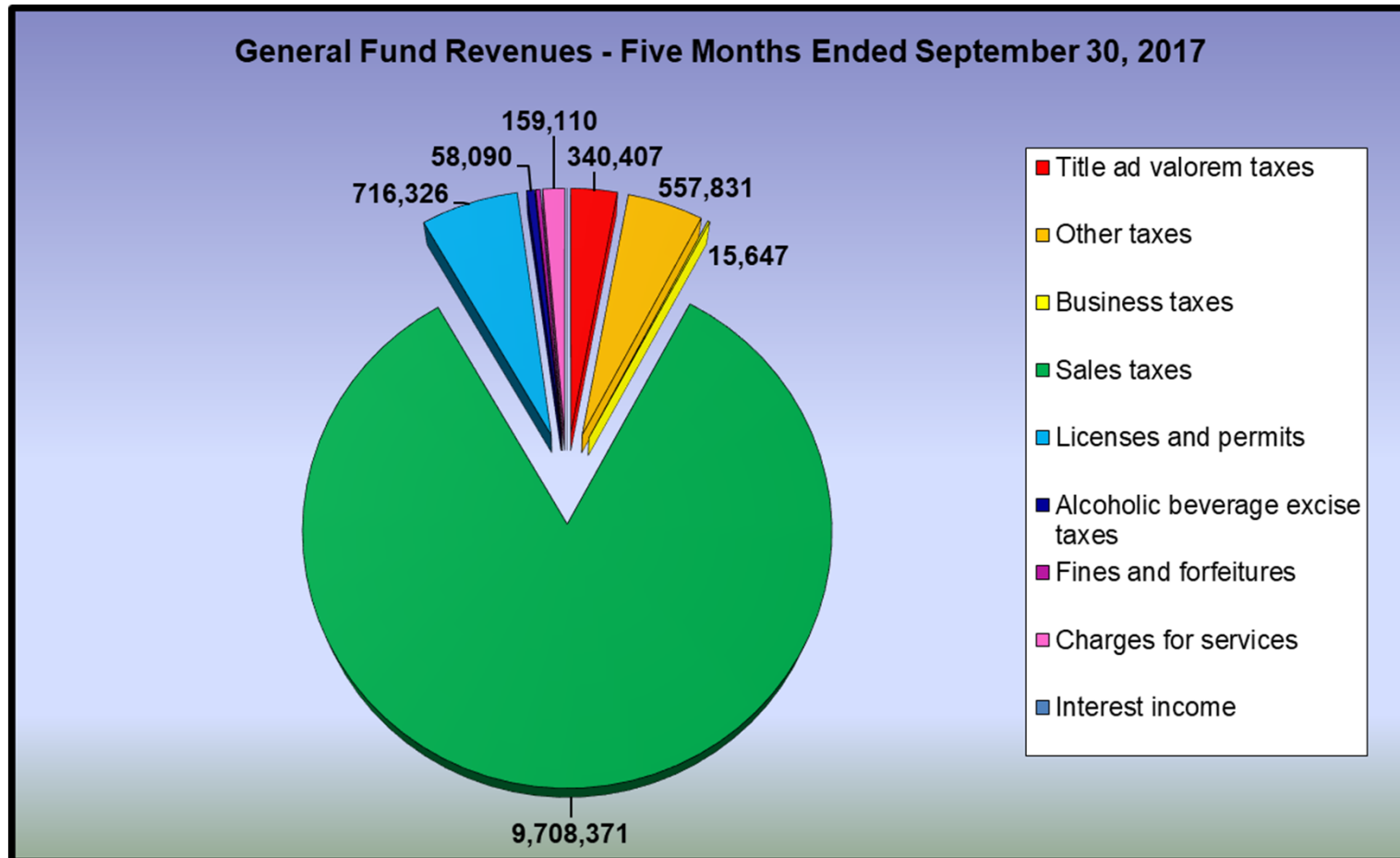
Each of the newly created cities with a September 30 fiscal year all started operations with the use of a tax anticipation note. Given short year typically experienced in each city, the revenue streams were not collected until many of the expenditures were disbursed, and thus The cities of Johns Creek and Milton were able to operate in year three without the use of a TAN. Year three is also the typical time period for taking over the infrastructure systems from the County and the period when the cities began really getting more involved into the capital improvements and expansions.



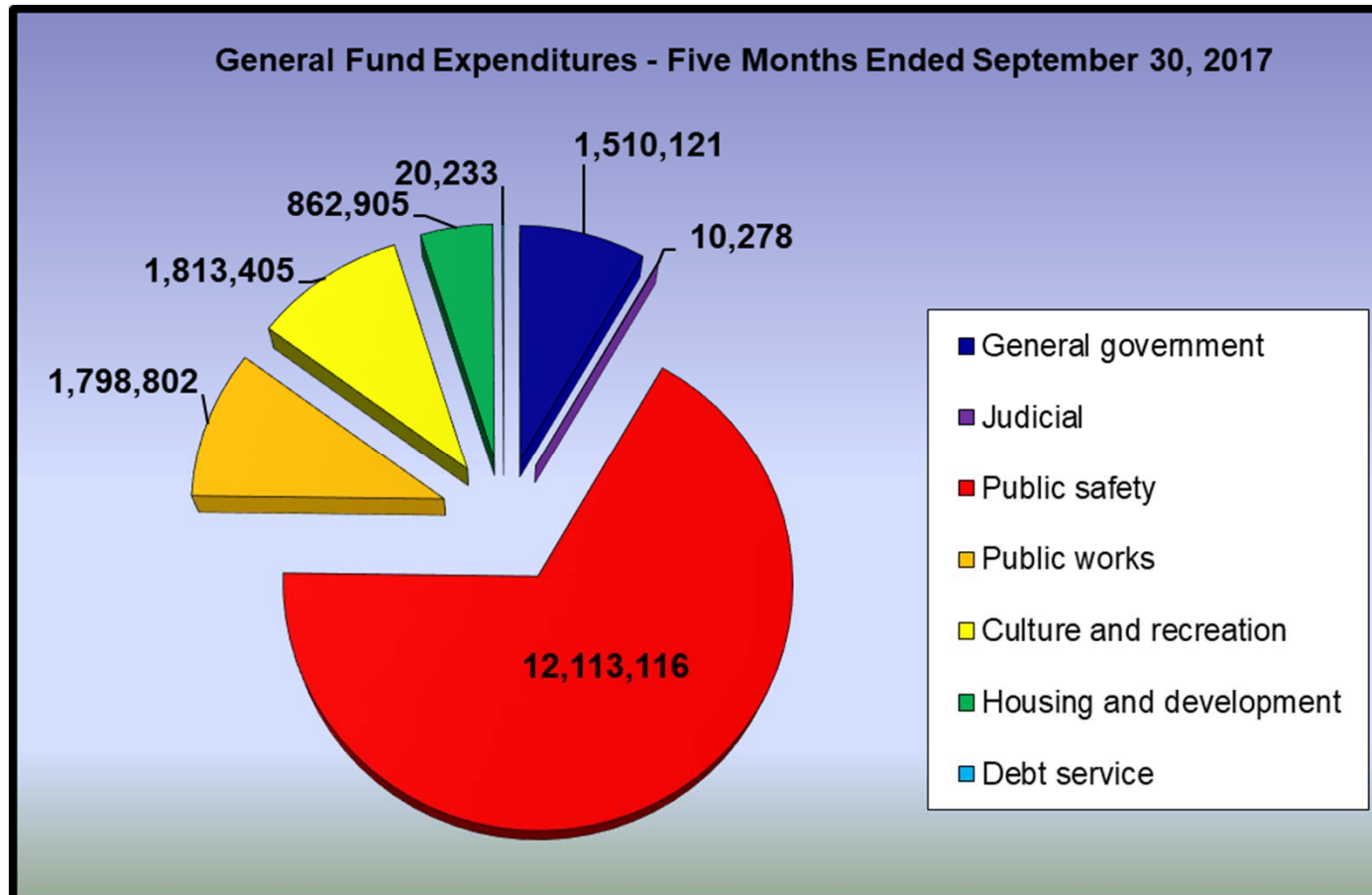
Newly Incorporated Cities – June 30



General Fund Revenues – Five Months Ended September 30, 2017



General Fund Expenditures – Five Months Ended September 30, 2017



❖ Material Weaknesses

1) Revenue and Related Receivables

Misstatements were detected in the reporting of the City's revenues and related receivables. During our testing of the City's revenues we noted the following activities which required audit adjustments to correct the reporting:

- ❑ The City assumed a fire service agreement from the County, whereby the City is to provide annual fire services to a portion of the City of Atlanta's citizens. As a result, the City of Atlanta remits semi-annual payments to the City of South Fulton for those services. The receipt in August 2017 was for the period of July through December 2017. Those revenues are considered an exchange transaction and should be recognized as the services are provided to the City of Atlanta, rather than received. As such, an entry was required to report approximately \$203,000 as unearned revenues.
- ❑ The City did not record one month's receivable and related revenues for the title ad valorem tax and motor vehicle taxes collected by the County Tax Commissioner on behalf of the City. These revenues were collected subsequent to year-end and were considered available to the City under the revenue recognition policy. An adjustment of approximately \$76,000 was required to correctly report revenues and receivables.

The City's revenues for the five months ended September 30, 2017 were not materially stated, and required adjustments of approximately \$278,000 were made to correct the reporting of the current year's revenues and receivables. We recommend the City carefully review all revenues to ensure they are reported in the proper reporting period and in accordance with generally accepted accounting principles.



❖ Material Weaknesses (Continued)

2) Segregation of Duties

The limited number of employees involved in the various offices and the resulting overlapping of duties causes segregation of duties to be difficult. During the course of our testwork, we noted different areas at the City in which the segregation of duties could be improved as described below;

- ❑ During our review of the payroll controls we noted several employees (six total) have access to the Paychex system and are all able to make changes to any employees' information, including their own, as well as creating a new employee without any review required.
- ❑ During the initial year of operations, we noted there were a limited number of employees and as such there was limited segregation within the accounting department. We noted one employee (Controller) was able to perform all functions from reporting, preparing checks, or reconciling accounts. The employee also had full access to the system to create vendors or make manual journal entries.

Without some segregation of duties within these functions, there is increased exposure that someone could intentionally or unintentionally misappropriate assets of the City. Additionally, without additional internal controls related to financial reporting, errors could occur and not be detected. We recommend that the City review its processes and determine where it can effectively segregate duties to alleviate the segregation of duties issues as described above and strengthen internal controls.



■ Management Recommendations for Improvement

1. Contract Services Classification - During our testing of the intergovernmental payable, we noted the City did not properly allocate the expenditures from Fulton County to the correct expenditure accounts. The City allocated the expenditures using percentages of the amounts from the intergovernmental agreement and after receiving the detail of actual expenditures incurred noticed that the posted amounts for certain accounts did not agree to the actual expenditures from Fulton County for the department. While the total expenditures were recorded, the allocation within the departments required adjustment, based on actual costs incurred.

2. Purchase Card Expenditures - During our testing of credit card transactions, we noted that the client was unable to provide support for three out of ten transactions. This indicates that there was a breakdown in the process of keeping the necessary invoices and receipts in order to back up transactions. Also during our testing, we noted that three out of ten transactions were missing any indication of having been properly approved or reviewed. Per the client's credit card process, these transactions should have been approved prior the purchase being made, and receipts for purchases should be turned in and kept for back up.



■ Management Recommendations for Improvement (Continued)

3. Depreciation Expense - During our testing of capital assets, we noted the City placed several automobiles into service during August 2017, and therefore should have begun depreciating these vehicles for the two months of usage, August and September 2017. The City did not depreciate these assets in the fiscal period 2017, however is going to begin depreciation in October 2017. While the amount of two months of depreciation is immaterial to the fiscal period 2017 financial statements, management should ensure that all assets be properly depreciated, once they are placed in service. This allows the depreciation to match the useful life of the assets. This is important for the City in the current accounting structure, as the capital asset listings are being maintained manually in a Microsoft Excel spreadsheet, rather through a capital asset accounting program. The program would systematically begin the depreciation calculation as compared to the manual process in place currently.

4. Payroll Tax Filing – During our walkthrough of the payroll process, we discovered that the City filed a 944 Annual Federal Tax Return as opposed to 941 Quarterly Federal Tax Returns. Per review of the IRS website, the 944 return is designed for those whose annual liability for Social Security, Medicare, and withheld federal income taxes is \$1,000 or less. Per review of the withholdings reported on the 944, the City reported withholdings of \$178,015 which is significantly greater than \$1,000.



■ Management Recommendations for Improvement (Continued)

5. Subsidiary Ledger Maintenance - Through the audit process, we noted a few areas where the City's subsidiary ledger maintenance could be improved or enhanced. Below are those instances:

- ☐ During our testing of compensated absences, we discovered that the City manually tracks vacation and sick time earned using a spreadsheet. We consider manual tracking of these hours to be highly risky, and it is a much safer and more accurate practice to use an automated process to track this data.
- ☐ During testing of the City's excise taxes and business licenses, we noted the City does not have a defined list of the businesses operating within their jurisdiction. The City is still working to create a list of business licenses and a list of alcohol retailers as of February 2018. It is imperative the City quickly develop an accurate listing of both the businesses operating within the City, as well as a list of alcohol retailers/wholesalers within the City.

As previously mentioned, the City is manually tracking its capital assets in a spreadsheet. The City should consider purchasing an accounting module for capital assets. As the City continues to grow and take over services from the County, the number of capital assets to be tracked and maintained will become very cumbersome for the accounting staff and more susceptible to error in the manual calculations.



■ Management Recommendations for Improvement (Continued)

6. Disbursement Controls – During the start-up of the City, we noted several instances of the check sequence not properly accounted for. During our testing of the City's disbursements, we obtained the first and last check number issued by the City during the period of May 1, 2017 through September 30, 2017 and noted:

- ☐ 14 of 39 checks within the range obtained from the general ledger were not issued and were skipped.
- ☐ 3 of the 39 checks selected were found to have cleared the bank statements but were not included in check register report obtained from the City, showing all cleared checks.

We recommend the City ensure policies and procedures are in place to ensure the checks are sequentially used and accounted for in the general ledger system. While these issues noted above were noted to have occurred in the first few months of operation and not noticed subsequent to July 2017, we feel this issue warrants communication to management.



■ Management Recommendations for Improvement (Continued)

7. Policy Adoption – During our walkthroughs and review of the City Council minutes, we noted the City has yet to formally adopt policies related to the following:

- ☐ Compensated absences policy
- ☐ Purchasing policy
- ☐ Credit card use policy
- ☐ Capital asset policy
- ☐ Record retention policy

We strongly recommend the City's management begin to create and adopt accounting policies.



■ New GASB Pronouncements

Statement No. 74, Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans was issued in June of 2015, and is effective for financial statements for periods beginning after June 15, 2015 resulting in the City's fiscal period ended September 30, 2017. This statement could easily be described as the GASB No. 67 for postemployment benefit plans due to the fact that it will closely follow the provisions of GASB No. 67 for pension plans.

The objective of this statement is to improve the usefulness of information about postemployment benefits other than pensions (other postemployment benefits or OPEB) included in the general purpose external financial reports of state and local governmental OPEB plans for making decisions and assessing accountability. This statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all postemployment benefits (pensions and OPEB) with regard to providing decision-useful information, supporting assessments of accountability and inter-period equity, and creating additional transparency.

This statement replaces Statements No. 43, *Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans*, as amended, and No. 57, *OPEB Measurements by Agent Employers and Agent Multiple-Employer Plans*. It also includes requirements for defined contribution OPEB plans that replace the requirements for those OPEB plans in Statement No. 25, *Financial Reporting for Defined Benefit Pension Plans and Note Disclosures for Defined Contribution Plans*, as amended, Statement No. 43, and Statement No. 50, *Pension Disclosures*.



■ New GASB Pronouncements (Continued)

Statement No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans was issued in June of 2015 and is effective for financial statements for periods beginning after June 15, 2017 resulting in the City's fiscal year ending September 30, 2018. This standard establishes new accounting and financial reporting requirements for governments whose employees are provided with OPEB, as well as for certain non-employer governments that have a legal obligation to provide financial support for OPEB provided to the employees of other entities.

The scope of this statement includes OPEB plans (defined benefit and defined contribution) administered through trusts that meet the following criteria: 1). Contributions from employers and non-employer contributing entities to the OPEB plan and earnings on those contributions are irrevocable; 2). OPEB plan assets are dedicated to providing OPEB to plan members in accordance with the benefit terms; and 3). OPEB plan assets are legally protected from the creditors of employers, non-employer contributing entities, and the OPEB plan administrator. If the plan is a defined benefit OPEB plan, plan assets also are legally protected from creditors of the plan members.

The requirements of this statement will improve financial reporting primarily through enhanced note disclosures and schedules of required supplementary information that will be presented by OPEB plans that are administered through trusts that meet the specified criteria. The new information will enhance the decision-usefulness of the financial reports of those OPEB plans, their value for assessing accountability, and their transparency by providing information about measures of net OPEB liabilities and explanations of how and why those liabilities changed from year to year.



Comments, Recommendations, & Other Issues

■ New GASB Pronouncements (Continued)

Statement No. 75, Accounting and Financial Reporting for Postemployment Benefit Plans Other Than Pension Plans (Continued) The net OPEB liability information, including ratios, will offer an up-to-date indication of the extent to which the total OPEB liability is covered by the fiduciary net position of the OPEB plan. The comparability of the reported information for similar types of OPEB plans will be improved by the changes related to the attribution method used to determine the total OPEB liability.

The contribution schedule will provide measures to evaluate decisions related to the assessment of contribution rates in comparison with actuarially determined rates, if such rates are determined. In addition, new information about rates of return on OPEB plan investments will inform financial report users about the effects of market conditions on the OPEB plan's assets over time and provide information for users to assess the relative success of the OPEB plan's investment strategy and the relative contribution that investment earnings provide to the OPEB plan's ability to pay benefits to plan members when they come due.



■ New GASB Pronouncements (Continued)

Statement No. 76, The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments (Continued) The objective of this statement is to identify (in the context of the current governmental financial reporting environment) the hierarchy of generally accepted accounting principles (GAAP). The “GAAP hierarchy” consists of the sources of accounting principles used to prepare financial statements of state and local governmental entities in conformity with GAAP and the framework for selecting those principles. This statement reduces the GAAP hierarchy to two (2) categories of authoritative GAAP and addresses the use of authoritative and non-authoritative literature in the event that the accounting treatment for a transaction or other event is not specified within a source of authoritative GAAP.

The requirements in this statement improve financial reporting by: (1) raising the category of GASB Implementation Guides in the GAAP hierarchy, thus providing the opportunity for broader public input on implementation guidance; (2) emphasizing the importance of analogies to authoritative literature when the accounting treatment for an event is not specified in authoritative GAAP; and (3) requiring the consideration of consistency with the GASB Concepts Statements when evaluating accounting treatments specified in non-authoritative literature. As a result, governments will apply financial reporting guidance with less variation, which will improve the usefulness of financial statement information for making decisions and assessing accountability and enhance the comparability of financial statement information among governments.



■ New GASB Pronouncements (Continued)

Statement No. 77, Tax Abatement Disclosures was issued in August of 2015 and is effective for financial statements for periods beginning after December 15, 2015 resulting in the City's fiscal period ended September 30, 2017. This statement requires governments that enter into tax abatement agreements to disclose the following information about the agreements:

- (1) Brief descriptive information, such as the tax being abated, the authority under which tax abatements are provided, eligibility criteria, the mechanism by which taxes are abated, provisions for recapturing abated taxes, and the types of commitments made by tax abatement recipients.
- (2) The gross dollar amount of taxes abated during the period.
- (3) Commitments made by a government, other than to abate taxes, as part of the tax abatement agreement.

Governments should organize those disclosures by major tax abatement program and may disclose information for individual tax abatement agreements within those programs.

The disclosures required by Statement No. 77 are new and unusual for the City's financial reporting and we recommend City officials begin reviewing any existing agreements now to see how they may be impacted by Statement No. 77 and for those that will be required to be disclosed, we recommend City officials continue to be on the look out for new agreements entered into: (1) by the City; or (2) by other governments that may impact the City's revenues.



■ New GASB Pronouncements (Continued)

Statement No. 85, Omnibus 2017 was issued in March 2017 and is effective for the first reporting period beginning after June 15, 2017 (September 30, 2018 for the City of South Fulton). This Statement addresses a variety of topics including issues related to:

- (1) Component Units - blending a component unit in circumstances in which the primary government is a business-type activity that reports in a single column for financial statement presentation;
- (2) Goodwill - reporting amounts previously reported as goodwill and “negative” goodwill;
- (3) Real Estate - classifying real estate held by insurance entities;
- (4) Fair Value Measurement and Application - measuring certain money market investments and participating interest earning investment contracts at amortized cost;
- (5) Postemployment benefits (pensions and other postemployment benefits [OPEB]):
 - Timing of the measurement of pension or OPEB liabilities and expenditures recognized in financial statements prepared using the current financial resources measurement focus;
 - Recognizing on-behalf payments for pensions or OPEB in employer financial statements;
 - Presenting payroll-related measures in required supplementary information for purposes of reporting by OPEB plans and employers that provide OPEB;
 - Classifying employer-paid member contributions for OPEB;
 - Simplifying certain aspects of the alternative measurement method for OPEB; and,
 - Accounting and financial reporting for OPEB provided through certain multiple-employer defined benefit OPEB plans.



■ New GASB Pronouncements (Continued)

Statement No. 87, Leases was issued in June 2017 and is effective for the first reporting period beginning after December 15, 2019. This statement increases the usefulness of governments' financial statements by requiring recognition of certain lease assets and liabilities for leases that previously were classified as operating leases and recognized as inflows of resources or outflows of resources based on the payment provisions of the contract. It establishes a single model for lease accounting based on the principle that a lease is the financing of the right to use an underlying asset.

Under this statement, a lessee is required to recognize a lease liability and an intangible right-to-use lease asset, and a lessor is required to recognize a lease receivable and a deferred inflow of resources, thereby enhancing the relevance and consistency of information about governments' leasing activities.

Definition of a Lease: A lease is defined as a contract that conveys control of the right to use another entity's nonfinancial asset (the underlying asset) as specified in the contract for a period of time in an exchange or exchange-like transaction. Examples of nonfinancial assets include buildings, land, vehicles, and equipment. Any contract that meets this definition should be accounted for under the leases guidance, unless specifically excluded in this statement.



■ New GASB Pronouncements (Continued)

Statement No. 87, Leases (Continued)

Lease Term: The lease term is defined as the period during which a lessee has a non-cancelable right to use an underlying asset, plus the following periods, if applicable:

Periods covered by a lessee's option to extend the lease if it is reasonably certain, based on all relevant factors, that the lessee will exercise that option;

Periods covered by a lessee's option to terminate the lease if it is reasonably certain, based on all relevant factors, that the lessee will not exercise that option;

Periods covered by a lessor's option to extend the lease if it is reasonably certain, based on all relevant factors, that the lessor will exercise that option;

Periods covered by a lessor's option to terminate the lease if it is reasonably certain, based on all relevant factors, that the lessor will not exercise that option.



Comments, Recommendations, & Other Issues

■ New GASB Pronouncements (Continued)

Statement No. 87, Leases (Continued)

A fiscal funding or cancellation clause should affect the lease term only when it is reasonably certain that the clause will be exercised. Lessees and lessors should reassess the lease term only if one or more of the following occur:

The lessee or lessor elects to exercise an option even though it was previously determined that it was reasonably certain that the lessee or lessor would not exercise that option;

The lessee or lessor elects not to exercise an option even though it was previously determined that it was reasonably certain that the lessee or lessor would exercise that option;

An event specified in the lease contract that requires an extension or termination of the lease takes place.

Short-Term Leases: A short-term lease is defined as a lease that, at the commencement of the lease term, has a maximum possible term under the lease contract of 12 months (or less), including any options to extend, regardless of their probability of being exercised. Lessees and lessors should recognize short-term lease payments as outflows of resources or inflows of resources, respectively, based on the payment provisions of the lease contract.



Comments, Recommendations, & Other Issues

■ New GASB Pronouncements (Continued)

Statement No. 87, Leases (Continued)

Lessee Accounting: A lessee should recognize a lease liability and a lease asset at the commencement of the lease term, unless the lease is a short-term lease or it transfers ownership of the underlying asset. The lease liability should be measured at the present value of payments expected to be made during the lease term (less any lease incentives). The lease asset should be measured at the amount of the initial measurement of the lease liability, plus any payments made to the lessor at or before the commencement of the lease term and certain direct costs.

A lessee should reduce the lease liability as payments are made and recognize an outflow of resources (for example, expense) for interest on the liability. The lessee should amortize the lease asset in a systematic and rational manner over the shorter of the lease term or the useful life of the underlying asset. The notes to financial statements should include a description of leasing arrangements, the amount of lease assets recognized, and a schedule of future lease payments to be made.

Lessor Accounting: A lessor should recognize a lease receivable and a deferred inflow of resources at the commencement of the lease term, with certain exceptions for leases of assets held as investments, certain regulated leases, short-term leases, and leases that transfer ownership of the underlying asset. A lessor should not derecognize the asset underlying the lease. The lease receivable should be measured at the present value of lease payments expected to be received during the lease term. The deferred inflow of resources should be measured at the value of the lease receivable plus any payments received at or before the commencement of the lease term that relate to future periods.



Comments, Recommendations, & Other Issues

■ New GASB Pronouncements (Continued)

Statement No. 87, Leases (Continued)

A lessor should recognize interest revenue on the lease receivable and an inflow of resources (for example, revenue) from the deferred inflows of resources in a systematic and rational manner over the term of the lease. The notes to financial statements should include a description of leasing arrangements and the total amount of inflows of resources recognized from leases.

Contracts with Multiple Components and Contract Combinations: Generally, a government should account for the lease and non-lease components of a lease as separate contracts. If a lease involves multiple underlying assets, lessees and lessors in certain cases should account for each underlying asset as a separate lease contract. To allocate the contract price to different components, lessees and lessors should use contract prices for individual components as long as they do not appear to be unreasonable based on professional judgment, or use professional judgment to determine their best estimate if there are no stated prices or if stated prices appear to be unreasonable. If determining a best estimate is not practicable, multiple components in a lease contract should be accounted for as a single lease unit. Contracts that are entered into at or near the same time with the same counterparty and that meet certain criteria should be considered part of the same lease contract and should be evaluated in accordance with the guidance for contracts with multiple components.

Lease Modifications and Terminations: An *amendment* to a lease contract should be considered a lease modification, unless the lessee's right to use the underlying asset decreases, in which case it would be a partial or full lease termination. A lease termination should be accounted for by reducing the carrying values of the lease liability and lease asset by a lessee, or the lease receivable and deferred inflows of resources by the lessor, with any difference being recognized as a gain or loss. A lease modification that does not qualify as a separate lease should be accounted for by re-measuring the lease liability and adjusting the related lease asset by a lessee and re-measuring the lease receivable and adjusting the related deferred inflows of resources by a lessor.



Comments, Recommendations, & Other Issues

■ New GASB Pronouncements (Continued)

Statement No. 87, Leases (Continued)

Subleases and Leaseback Transactions: Subleases should be treated as transactions separate from the original lease. The original lessee that becomes the lessor in a sublease should account for the original lease and the sublease as separate transactions, as a lessee and lessor, respectively.

A transaction qualifies for sale-leaseback accounting only if it includes a sale. Otherwise, it is a borrowing. The sale and lease portions of a transaction should be accounted for as separate sale and lease transactions, except that any difference between the carrying value of the capital asset that was sold and the net proceeds from the sale should be reported as a deferred inflow of resources or a deferred outflow of resources and recognized over the term of the lease.

A lease-leaseback transaction should be accounted for as a net transaction. The gross amounts of each portion of the transaction should be disclosed.



Comments, Recommendations, & Other Issues

- **Other Pending or Current GASB Projects** - As noted by the numerous pronouncements issued by GASB over the past decade, the GASB continues to research various projects of interest to governmental units. Subjects of note include:

Conceptual Framework is a constant matter being looked at by GASB. Current measurement focus statements (for governmental funds) to change to near-term financial resources measurement. May dictate a period (such as 60 days) for revenue and expenditure recognition. May expense thing such as supplies and prepaid assets at acquisition. Will look into which balances (at all statement levels) are measured at acquisition and which need to be re-measured at year-end. Project placed on hold for now.

Economic Condition Reporting is another long-term matter being looked into by GASB. Includes presentation of information on fiscal sustainability (including projections). Tabled for now pending resolution to issues raised on GASBs scope.

Re-Examination of the Financial Reporting Model is a project GASB has added to its technical agenda to make improvements to the existing financial reporting model (established via GASB 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability. GASB anticipates issuing an initial due process document on this project by the end of 2017 another long-term matter being looked into by GASB. Includes presentation of information on fiscal sustainability (including projections). Tabled for now pending resolution to issues raised on GASBs scope.



FREE QUARTERLY CONTINUING EDUCATION AND NEWSLETTERS

FOR GOVERNMENTAL CLIENTS

Free Continuing Education. We provide free quarterly continuing education for all of our governmental clients. Each quarter we pick a couple of significant topics tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking among our governmental clients. We normally see approximately 100 people per quarter. We obtain the input and services of experienced outside speakers along with providing the instruction utilizing our in-house professionals. We hope City staff and officials have been able to participate in this opportunity, and that it has been beneficial to you. Examples of subjects addressed in the past few quarters include:

- CAFR Preparation - GASB Updates - Grant Accounting Processes and Controls - GASB 68 & 71 (Pensions)
- Internal controls over revenue and cash receipting and accounts payable, payroll, and cash disbursements
- American Recovery & Reinvestment Act (ARRA) information, issues and updates - Single audits for auditees
- Collateralization of Deposits and Investments - Internal Controls over Accounts Payable, Payroll and Controls
- Policies and Procedures Manuals - Segregation of Duties - GASB No. 51 - Intangible Assets - Segregation of Duties
- GASB No. 54 - Governmental Fund Balance - Best Budgeting Practices, Policies and Procedures



FREE QUARTERLY CONTINUING EDUCATION AND NEWSLETTERS

FOR GOVERNMENTAL CLIENTS (Continued)

Governmental Newsletters. We produce newsletters tailored to meet the needs of governments. The newsletters have addressed a variety of subjects and are intended to be timely in their subject matter. The newsletters are authored by Mauldin & Jenkins partners and managers, and are not purchased from an outside agency. The newsletters are produced and delivered periodically, and are intended to keep you informed of current developments in the government finance environment.

Communication. In an effort to better communicate our free continuing education plans and newsletters, please email Paige Vercoe at pvercoe@mjcpa.com (send corresponding copy to afraleym@mjcpa.com), and provide to her individual names, mailing addresses, email addresses and phone numbers of anyone you wish to participate and be included in our database.



Questions & Comments





CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL WORK SESSION



SUBJECT: COSF Website Preview Presentation

**DATE OF
MEETING:** 6/12/2018

DEPARTMENT: Finance



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL WORK SESSION



SUBJECT: Animal Control Services Presentation

**DATE OF
MEETING:** 6/12/2018

DEPARTMENT: Finance



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL WORK SESSION



SUBJECT: Discussion regarding 2017/2018 Budget & Financial Reports

DATE OF MEETING: 6/12/2018

DEPARTMENT: City Clerk

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, June 12, 2018, 7:00pm



TABLE OF CONTENTS

REGULAR MEETING:

Agenda.....	1
-------------	---

CONSENT AGENDA:

Meeting Minutes – Tuesday, May 8, 2018, Work Session & Regular Meeting	4
Proclamation – NPHC of Greater Atlanta Appreciation Day, June 9, 2018 (Willis)	17

PROCLAMATIONS and RECOGNITIONS:

Proclamation – Tommie Lawrence (Trey) Robbins, II Appreciation Day (Edwards)	19
---	----

RESOLUTIONS:

Res2018-036 Resolution Zoning Moratorium (Jackson & Gumbs)	21
Res2018-037 Resolution to amend City Public Defender contract.....	29
Res2018-038 Resolution to amend City Solicitor contract	39

ORDINANCES:

Ord2018-027 [FIRST READING] Chief Judge Compensation.....	48
--	----

DISCUSSION ITEMS:

Cowarts Lakes – City Manager

AGREEMENTS:

Avenu Insights & Analytics (RDS) Agreement – City Manager

CITY MANAGER’S REPORT:

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, June 12, 2018, 7:00 PM



The Honorable William "Bill" Edwards, Mayor
The Honorable Mark Baker, District 7, Mayor Pro Tem
The Honorable Catherine F. Rowell, District 1 Councilmember
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of Consent Agenda
 - a. Meeting Minutes - Tuesday, May 8, 2018. (Work Session and Regular Meeting)
 - b. Proclamation - The National Pan Hellenic Council of Greater Atlanta Appreciation Day, June 9, 2018. **(Willis)**
5. Approval of the Regular Meeting Agenda
6. Proclamations and Recognitions
 - a. Proclamation - Tommie Lawrence (Trey) Robbins, II Appreciation Day. **(Edwards)**
7. Public Comment

Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers. Please present your speaker card prior to the commencement of the public comment period.
8. Business
 - a. Resolutions

- i. Resolution by the City of South Fulton, Georgia establishing a moratorium on the acceptance of applications for rezoning, permits, variances, licenses and inspections related to gas stations and City District Five, and for other lawful purposes. **(Jackson & Gumbs - Res2018-036)**
 - ii. Resolution to amend the contract for the City Public Defender and authorizing the City Manager to execute the amended contract, and for other lawful purposes. **(Res2018-037)**
 - iii. Resolution to amend the contract for the City Solicitor and authorizing the City Manager to execute the amended contract, and for other lawful purposes. **(Res2018-038)**
- b. Ordinances
 - i. **[FIRST READING]** Ordinance establishing the compensation structure for the Chief Judge of the Municipal Court, the compensation structure for additional Judges for the Municipal Court, and for other lawful purposes. **(Ord2018-027)**
- c. Discussion Items
 - i. Discussion regarding Cowarts Lakes. (City Manager)
- 9. Agreements
 - a. Avenu Insights & Analytics (RDS) Agreement. (City Manager)
- 10. City Manager's Report
- 11. City Attorney's Report
- 12. Mayor and City Council Comments (Two minutes each)
- 13. Executive Session (CLOSED), if necessary
- 14. Adjournment



CITY OF SOUTH FULTON

COUNCIL AGENDA ITEM

COUNCIL REGULAR MEETING



SUBJECT: Meeting Minutes - Tuesday, May 8, 2018 (Work Session & Regular Meeting)

DATE OF MEETING: 6/12/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Combined Minutes 5-8-2018	Cover Memo	6/7/2018

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 5:00PM



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Mark Baker, District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1, Councilmember (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)

WORK SESSION MINUTES

- Call to Order

The meeting was called to order by Mayor Edwards at 5:00pm.
Following the roll call by the City Clerk, a quorum was present.

- Discussion Items
 - i. Fiscal Impact Statement (FIS) Process – Odie Donald II, City Manager

Following a presentation by Mr. Donald, the City Council held a discussion regarding the current Fiscal Year and Fiscal Year 2019

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 5:00PM

cost of proposed legislation and how it relates to an increase or decrease in revenues for the City of South Fulton. Mr. Donald offered a 4-step process for the implementation of the Fiscal Impact Statement (FIS). PowerPoint Presentation is on file with the Clerk's Office.

- ii. COSF Fellowship Internship Program – Anquilla Henderson, Interim Director of Human Resources

Ms. Henderson outlined the City Internship Program (CIP) and the current City Departments being considered for the Program. She indicated that a Pilot Program with the Municipal Court will begin in June 2018, and that model will be used to develop the permanent CIP at the time of its inception. PowerPoint Presentation is on file with the Clerk's Office.

- iii. COSF Comprehensive Plan – Shayla Reed, Interim Director of Community Development Services

The COSF Comprehensive Plan was outlined by Ms. Reed with some insight into the City's long-term goals for zoning and land use. The Plan was discussed at length by Councilmembers and specific areas were mentioned as target goals for improvements/overlays. Ms. Reed indicated she would e-mail a copy of the Plan to the Mayor and Councilmembers for their review and for any concerns or adjustments they might have. At a later date (June), a Work Session could be designated for a more in-depth discussion/coverage of the Plan. PowerPoint Presentation is on file with the Clerk's Office.

Motion (Recess): khalid
Second: Gilyard

.....
Yea: 7 - Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 5:00PM

Minutes: The motion passed. The Work Session recessed at 6:45pm.

The Work Session reconvened at 7:03pm, as called to order by Mayor Edwards.

iv. Freeport Exemption – Odie Donald II, City Manager

The City Manager explained the full description and impact of the Freeport Exemption from the State of Georgia and how it effects/relates to the City of South Fulton (COSF) and the Fulton Industrial Boulevard (FIB) area. He ended the presentation with a recommendation from staff for COSF to introduce legislation that would provide a 100% exemption contingent on a public referendum put on the November ballot. PowerPoint Presentation is on file with the Clerk's Office.

- ~~Executive Session (CLOSED), if necessary~~
- Adjournment

Motion (Adjourn): Baker
Second: Willis

.....
Yea: 7 - Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

Minutes: The motion passed.

The Work Session ended at 7:17pm.

Mark Massey, City Clerk



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Mark Baker, District 7, Mayor Pro Tem (present)
The Honorable Catherine F. Rowell, District 1 Councilmember (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:18pm. Following the roll call by the City Clerk, a quorum was present.

2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

4. Approval of the Consent Agenda **[APPROVED]**
- a. Meeting Minutes – Tuesday, April 24, 2018 (Work Session & Regular Meeting)
 - b. Proclamation – Solid Rock Pentecostal Church (Alonzo Terry) Day, April 29, 2018. **(Edwards and Willis)**
 - c. Proclamation – Chad Seville Shaw Appreciation Day, May 5, 2018. **(Edwards)**

Motion (Approve): Jackson
Second: Gumbs

.....
Yea: 7 - Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

Minutes: The motion passed.

5. Approval of the Regular Meeting Agenda **[APPROVED AS AMENDED]**

Motion (Approve as amended): Gumbs
Second: Gilyard

.....
Yea: 7 - Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

Minutes: The motion passed. Co-sponsors were added to Ord2018-025 (Rowell and Willis).

6. Proclamations and Recognitions

- a. Proclamation recognizing the Cedar Grove Community Appreciation Day. **(Gilyard) [PRESENTED]**

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

- b. Proclamation recognizing Victoria Ariel McQueen Appreciation Day. **(Gumbs) [PRESENTED]**

7. Public Comment

- a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

Minutes: The following thirteen (13) citizens offered public comment:

- **State Representative Derrick Jackson (Represents District 64)** received opposition from a lot of constituents for the 90-day Moratorium on Ethics (Res2018-027). Councilmembers need to be more transparent.
- **State Senator Donzella James (District 3)** reported on HB 869 & HB 870. Both House Bills passed, however; one (HB 870) will be vetoed. Offered to help get House Bills passed, possibly through establishing a Committee.
- **Ms. Linda Prichett (District 7)** she attended a Saturday afternoon Ethics discussion held by Councilmember Willis. She was told by Councilmember Willis that her opinion did not matter. She is appalled and disappointed.
- **Ms. Janice R. Walston (District 4)** has 2 questions: 1) Ethics Ordinance was passed so what is the rationale for a review at this time; and 2) Why are the citizens not allowed to express their concerns for a 90-day period. I should have that right.
- **Dr. John O. Herring (District 3)** concerned with the governing body to change the ethics policy. Requested the resignation of those who cannot conduct yourselves with integrity, respect, the laws and standards of conduct/ethics. Ethics matters.
- **Mr. Jarman Bryant (District 5)** concerned with regard to ethics. We have a City Attorney, we should respect her opinion and support the 90-day moratorium.
- **Mr. A. W. Davis (District 4)** the Super Bowl will be here in February. Maybe we could get an effort together to put our brand forward and leave a positive mark during that time.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

- **Ms. Juliette Rankins (District 4)** welcomed the City Manager and really appreciates his positive attitude. COSF needs to get out of Union City Court House. The CFO might need a collection agency for the City to collect the money out there from businesses.
- **Ms. Glenda Collins (District 5)** after working with each Councilmember during the past year of operation, she is completely happy with all of City Council. She thanked the City Manager for his hard work and dedication. She is in support of the 90-day moratorium.
- **Ms. Wanda Mosley (District 3)** opposes the 90-day moratorium on ethics complaints (review optics) of such a move, there may be hidden reasons by certain individuals. The City should consider setting aside business opportunities for women, minority and veteran owned businesses.
- **Mr. Charles (Storm) Mitchell (District 4)** thanked Councilmember Gilyard for her representation of District 4. The preparation of the Comprehensive Plan was established with citizen input. Would like the City to take the time to continue to involve the Community in decisions.
- **Ms. Sara Henderson (District 7)** represents an outside group (Common Cause) and would like the opportunity to meet with Mayor and Council to provide a service with respect to ethics for the City.
- **Mr. Lonnie Kendrick (District 5)** concerned with the closing of Burdett Recreation Center. Privatization would be a travesty.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

8. Business

a. Resolutions

- i. A Resolution by the City of South Fulton, Georgia, imposing a ninety (90) Day Moratorium on the application of the City Ethics Ordinance and the acceptance of ethics complaints while the City's Ethics Ordinance is under review, to provide for severability, to provide for an effective date and for other lawful purposes. **(Gumbs and khalid – Res2018-027) [APPROVED]**

Motion: (Approve) khalid

Second: Jackson

.....
Yea: 7 - Gumbs, Gilyard, Jackson, khalid, Baker

Nay: 2 – Rowell, Willis

Abstain: 0

Not Voting: 0

Minutes: The motion passed. The City Attorney gave a full presentation as to why she proposed the 90-Day Moratorium on the application of the City's Ethics Ordinance. A review of the Ethics Ordinance was completed paragraph by paragraph, and she found discrepancies. The proposed moratorium Res2018-027 addresses the issues found that need to be further defined and/or changed.

Mayor Edwards requested the City Attorney to prepare a report with citations of authority to state the City Attorney's position regarding how Fulton County's plan of defense applies to the City of South Fulton, with respect to the City Attorney representing the City as an entity rather than individuals.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

- ii. A Resolution to amend the Fiscal Year 2018 Final Budget for each fund of the City of South Fulton, Georgia, appropriating the amounts showing in each fund as expenditures/expenses, adopting the several items of revenue anticipations, and prohibiting expenditures or expenses from exceeding the actual funding available and for other lawful purposes. **(Res2018-028) [APPROVED]**

Motion: (Approve) Rowell
Second: Gumbs

.....
Yea: 7 – Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

Minutes: The motion passed. The City Manager indicated the two positions, Facilities Manager and Program & Performance Administrator, were not included in the original Resolution but were highlighted in Section 1.

b. Ordinances

- i. **[SECOND READING]** An Ordinance to amend Title 1, Chapter 3, Mayor and Council, of the City of South Fulton Code of Ordinances, to ensure consistency between Council voting and the City Charter and for other lawful purposes. **(Ord2018-023) [APPROVED]**

Motion (Approve): Rowell
Second: Gumbs & Gilyard

.....
Yea: 7 - Rowell, Gumbs, Willis, Gilyard, Jackson, khalid, Baker
Nay: 0
Abstain: 0
Not Voting: 0

Minutes: The motion passed.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

- ii. **[FIRST READING]** An Ordinance to amend Title 11, Parks and Recreation, of the City of South Fulton Code of Ordinances, to establish park rules and regulations and for other lawful purposes. **(Rowell and Willis - Ord2018-025)**

Minutes: HEARD. The Councilmembers discussed various aspects of the proposed Ordinance and they offered suggestions to staff.

- iii. **[FIRST READING]** An Ordinance amending the Municipal Court schedule and for other lawful purposes. **(Ord2018-026)**

Minutes: HEARD. The Chief Judge explained the purpose of the Ordinance and indicated that this was the permanent solution for the prior Emergency Ordinance.

9. Mayor and City Council Comments (Two minutes each).

City Councilmembers made announcements or statements regarding activities within their respective districts or within the City.

- ~~10. Executive Session (CLOSED), if necessary.~~

11. Adjournment

Motion (Adjourn): Jackson
Second: Gilyard

.....
Yea: 6 - Gumbs, Willis, Gilyard, Jackson, khalid, Baker

Nay: 0

Abstain: 0

Not Voting: 1 – Rowell, not present

Minutes: The motion passed.

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, May 8, 2018, 7:00pm

The meeting adjourned at 9:42pm.

Mark Massey, City Clerk

DRAFT



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Proclamation - NPHC of Greater Atlanta

DATE OF MEETING: 6/12/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - NPHC of Greater Atlanta	Cover Memo	6/7/2018



City of South Fulton

Whereas, The **National Pan Hellenic Council (NPHC)** is a collaborative organization of nine historically african american, international Greek letter organizations often synonymous with the terms, fraternity and sorority;

Whereas, the NPHC was formed as a permanent organization on May 10, 1930 on the campus of Howard University in Washington, D.C. and the nine NPHC organizations are sometimes collectively referred to as the "**Divine Nine**";

Whereas, its member organizations include five fraternities: Alpha Phi Alpha, Kappa Alpha Psi, Omega Psi Phi, Phi Beta Sigma and Iota Phi Theta; and four sororities: Alpha Kappa Alpha, Delta Sigma Theta, Zeta Phi Beta and Sigma Gamma Rho;

Whereas, the NPHC of Greater Atlanta (Council) serves as NPHC's local affiliate in the City of Atlanta, Fulton County and Clayton County;

Whereas, the Council is comprised of 20 sorority and fraternity chapters representing all of the Divine Nine-member organization and supports programs that encourage health & wellness, political engagement, economic empowerment, environmental awareness, and educational achievement;

Whereas, in 2016, the Council launched its inaugural Divine Nine 5K Walk/Run Fun Race in the City of South Fulton's Welcome All Park. The race raises funds for scholarships and local community programs;

Whereas, since its launch, more than 1,200 walkers, jogger, runners and fitness enthusiasts have supported this community event. The Divine Nine 5K Atlanta is proud to be one of South Fulton's largest 5K events;

Whereas, in 2017, the Council was recognized as the NPHC's Graduate Council of the Year for its outstanding community impact; and,

Whereas, in 2018, the 3rd Annual Divine Nine 5K will again take place at South Fulton's largest recreation facility, Welcome All Park. The event will recognize fitness, fellowship, fun and educational excellence.

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and the City Council congratulates The NPHC of Greater Atlanta for their service and contribution to the citizens of South Fulton, declaring Saturday June 9, 2018 as "**THE NATIONAL PAN HELLENIC COUNCIL OF GREATER ATLANTA APPRECIATION DAY**" in the City of South Fulton, Georgia.



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Proclamation - Tommie Lawrence Robbin, III

DATE OF MEETING: 6/12/2018

DEPARTMENT: City Clerk

ATTACHMENTS:

Description	Type	Upload Date
Proclamation - Tommie Lawrence Robbins, III	Cover Memo	6/7/2018



City of South Fulton

WHEREAS, Tommie Lawrence Robbins III (Trey) was born on June 23, 2000, into the loving arms of Kimberly and Tommie Robbins II;

WHEREAS, Trey, a definite “MIRACLE” child, having been born at 28 weeks gestation, weighing 3.4 lbs. with two holes in his heart, coupled with microcephaly (a medical condition which does not allow the brain to develop properly);

WHEREAS, children born with this condition may have intellectual disabilities, poor motor function, poor speech, abnormal facial features, seizures and dwarfism, and scoliosis;

WHEREAS, Trey has undergone 19 surgeries during his 17 years of life, which included surgery on his heart at 3 weeks old, open heart surgery at age 9, two eye muscle surgeries and every six months, surgery on his spine, from age 10 until age 17;

WHEREAS, we, the family and friends, are so grateful to God that he allowed Trey to overcome these challenges while being amazingly resilient;

WHEREAS, by the Grace of God, Trey has defied all odds graduating with honors from Langston Hughes High School on May 20, 2018;

WHEREAS, he will intern this fall at Georgia State University in The Life Program and has future aspirations of becoming a video game designer; and,

WHEREAS, not being one to use the words, “I can’t”, Trey is currently preparing to take the driver’s license exam.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council recognizes Trey for his resilience, his determination to defy all odds and for his strength of character and do hereby proclaim Tuesday, June 12, 2018, as TOMMIE LAWRENCE (TREY) ROBBINS III Appreciation Day in the City of South Fulton.

Mayor William “Bill” Edwards

Page 19 of 54

City of South Fulton | June 12, 2018



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-036 Zoning Moratorium - Jackson & Gumbs

DATE OF MEETING: 6/12/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-036 Zoning Moratorium	Cover Memo	6/7/2018

1 **STATE OF GEORGIA**
2 **FULTON COUNTY**
3 **CITY OF SOUTH FULTON**
4

5 **RESOLUTION No. 2018-036**
6

7 **AN RESOLUTION BY THE CITY OF SOUTH FULTON, GEORGIA, ESTABLISHING A**
8 **MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR REZONING,**
9 **PERMITS, VARIANCES, LICENSES AND INSPECTIONS RELATED TO GAS**
10 **STATIONS AND CITY DISTRICT FIVE AND FOR OTHER LAWFUL PURPOSES.**
11

12 **(Sponsored by Councilwomen Jackson and Gumbs)**
13

14 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
15 organized and existing under the laws of the State of Georgia;
16

17 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
18 Council thereof ("City Council");

19 **WHEREAS**, the City has been vested with the power and authority to regulate
20 the practice, conduct or use of property for the purposes of maintaining health, morals,
21 safety, security, peace and the general welfare of the City;
22

23 **WHEREAS**, Georgia cities are authorized to impose moratoria on zoning
24 decisions, building permits and other development approvals. *See City of Roswell et al*
25 *v. Outdoor Systems, Inc.*, 274 Ga. 130, 549 S.E.2d 90 (2001); *Lawson v. Macon*, 214
26 Ga. 278, 104 S.E.2d 425 (1958); *Taylor v. Shetzen*, 212 Ga. 101, 90 S.E.2d 572 (1955);
27

28 **WHEREAS**, the City has found that the interests of the public necessitate the
29 enactment of a moratorium for health, safety, morals and general welfare purposes by
30 means which are reasonable and not unduly oppressive;
31

32 **WHEREAS**, the City Council, as a part of planning, zoning and growth
33 management, is in process of assessing the City's comprehensive land use plan
34 ("Comprehensive Plan") and zoning regulations ("Zoning Code"), and studying the type
35 of development which could be anticipated within the City;
36

37 **WHEREAS**, the City Council deems it important to develop a Comprehensive
38 Plan and Zoning Code which enhances safe, healthy and positive development and
39 therefore consider this moratorium a proper exercise of its police powers;
40
41

42 **WHEREAS**, the City Council has a strong interest in growth management so as
43 to promote the traditional police power goals of health, safety, morals, aesthetics and
44 the general welfare of the community; in particular, the lessening of congestion on City
45 streets, security of the public from crime and other dangers, promotion of health and
46 general welfare of its citizens, protection of the aesthetic qualities of the City including
47 access to air and light, and facilitation of the adequate provision of transportation and
48 other public requirements;

49
50 **WHEREAS**, the City Council finds that the concept of "public welfare" is broad
51 and inclusive; that the values it represents are spiritual as well as physical, aesthetic as
52 well as monetary; and that it is within the power of the City "to determine that a
53 community should be beautiful as well as healthy, spacious as well as clean, well
54 balanced as well as carefully patrolled," *Berman v. Parker*, 348 U.S. 26, 75 S.Ct. 98
55 (1954); *Kelo v. City of New London*, 545 U.S. 469, 125 S. Ct. 2655, 162 L. Ed. 2d 439
56 (2005);

57
58 **WHEREAS**, the City Council finds that "general welfare" includes the valid public
59 objectives of aesthetics, conservation of the value of existing lands and buildings within
60 the City, making the most appropriate use of resources, preserving neighborhood
61 characteristics, enhancing and protecting the economic well-being of the community,
62 facilitating adequate provision of public services, and the preservation of the resources
63 of the City;

64
65 **WHEREAS**, the City Council finds that a significant number of gas stations exist
66 throughout the City and, particularly within District Five, within unreasonable and close
67 proximity of each other, increasing truck traffic, noise, congestion and pollution in close
68 proximity to schools and residential areas;

69
70 **WHEREAS**, the City Council considers it paramount that land use regulations
71 continue in the most orderly and predictable fashion with the least amount of
72 disturbance to landowners and to the citizens of the City;

73
74 **WHEREAS**, this moratorium is enacted as a limited emergency measure, with
75 respect to City District Five ("District Five") and gas stations, to preserve the status quo
76 concerning the same for ninety (90) days, pending the City's review of its
77 Comprehensive Plan and Zoning Code; and

78
79 **WHEREAS**, this moratorium is in the best interests of the health and general
80 welfare of the City, its residents and general public.

81
82 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
83 follows:
84

85 **Section 1.**

86 **FINDINGS OF FACT**

87
88 In addition to the finding above, the City Council hereby makes the following
89 findings of fact:
90

- 91 (a) The City's Code and/or Comprehensive Plan require an additional review by
92 the City as they relate to the development of District Five and/or gas stations
93 throughout the City;
94
- 95 (b) Substantial disorder, detriment and irreparable harm would result to the City
96 and its citizens if the current land use regulation scheme in and for the above
97 described use in the City were to be utilized by property owners prior to a more
98 thorough review;
99
- 100 (c) The City's ongoing revision of its Zoning Code and Comprehensive Plan
101 necessitate that a limited cessation of development and building permits,
102 occupation tax permits, and other licenses and permits be enacted with
103 respect to District Five and/or gas station uses throughout the City;
104
- 105 (d) It is necessary and in the public interest to delay, for a reasonable period of
106 time, the processing of any applications for such developments with respect to
107 District Five and gas station uses throughout the City, to ensure that the
108 development of the same are consistent with the long-term planning objectives
109 of the City;
110

111 **Section 2.**

112 **IMPOSITION OF MORATORIUM**

- 113
114 (a) There is hereby imposed a moratorium on the acceptance by City staff of the
115 acceptance of applications for rezoning, development, variances, permits or
116 inspections with respect to District Five and/or gas station uses throughout the
117 City.
118
- 119 (b) The duration of this moratorium shall be ninety days from the effective date of
120 this Resolution or until the City revises its Zoning Code, whichever first occurs.
121
- 122 (c) This moratorium shall have no effect upon approvals or permits previously
123 issued or as to development plans previously approved by the City with
124 respect to District Five and/or gas station uses throughout the City.
125

(d) The provisions of this Resolution shall not affect the issuance of permits or site plan reviews that have received preliminary or final approval by the City on or before the effective date of this Resolution.

(e) As of the effective date of this Resolution, no applications for rezoning, development, variances, permits or inspections with respect to District Five and/or gas station uses throughout the City, will be accepted by any agent, employee or officer of the City with respect to any property in the City, and any permit so accepted for filing will be deemed in error, null and void and of no effect whatsoever and shall constitute no assurance whatsoever of any right to engage in any act, and any action in reliance on any such permit shall be unreasonable.

Section 3.

VESTED RIGHTS

The following procedures shall be put in place immediately. Under *Cannon v. Clayton County*, 255 Ga. 63, 335 S.E.2d 294 (1985); *Meeks v. City of Buford*, 275 Ga. 585, 571 S.E.2d 369 (2002); *City of Duluth v. Riverbroke Props.*, 233 Ga. App. 46, 502 S.E.2d 806 (1998), the Supreme Court stated, "Where a landowner makes a substantial change in position by expenditures and reliance on the probability of the issuance of a building permit, based upon an existing zoning resolution and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning resolution which would otherwise preclude the issuance of a permit." Pursuant to this case, the City recognizes that, unknown to the City, de facto vesting may have occurred. The following procedures are established to provide exemptions from the moratorium where vesting has occurred:

A written application, including verified supporting data, documents and facts, may be made requesting a review by the Mayor and Council at a scheduled meeting of any facts or circumstances which the applicant feels substantiates a claim for vesting and the grant of an exemption.

Section 4. It is hereby declared to be the intention of the Mayor and Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 5. All Resolutions and parts of Resolutions in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Resolution shall be the date of adoption unless provided otherwise by the City Charter or state and/or federal law.

181 The foregoing RESOLUTION **No. 2018-036**, adopted on _____ was
182 offered by Councilmember _____, who moved its approval. The motion was
183 seconded by Councilmember _____, and being put to a vote, the result
184 was as follows:

185

186

187

AYE

NAY

188 William "Bill" Edwards, Mayor

189 Mark Baker, Mayor Pro Tem

190 Catherine Foster Rowell

191 Carmalitha Lizandra Gumbs

192 Helen Zenobia Willis

193 Gertrude Naeema Gilyard

194 Rosie Jackson

195 khalid kamau

196

197

198

THIS RESOLUTION adopted this _____ day of _____2018. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-037 Amend Public Defender Contract

DATE OF MEETING: 6/12/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-037 Public Defender	Cover Memo	6/7/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON


Office of the City Manager

WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: The Honorable William Edwards
FROM: Odie Donald II 
DATE: May 29, 2018
SUBJECT: Fiscal Impact Statement – Municipal Court Ordinance
REFERENCE: **Additional Compensation for Public Defender**

CONCLUSION

The fiscal year 2018 amended budget added \$100,000 to Municipal Court. Therefore, funds are available to implement the resolution in the current fiscal year. The resolution increases the cost of contracted services for the Public Defender by 49% for fiscal 2018, which will be applicable to subsequent fiscal years.

BACKGROUND

The City of South Fulton contracted with Viveca R. Famber Powell in December 2017 to serve as Public Defender effective January 1, 2018. The contract calls for a flat monthly rate with no allowance for overtime or city benefits. During the last month, the City approved the extension of Municipal Court Operations, which requires more court appearances by the Public Defender. This resolution seeks to increase the contracted amount of the previously agreed compensation by 49% to \$82,200 annually.

FINANCIAL PLAN IMPACT

When assessed independently for an increase in compensation, the proposed resolution will increase the cost for public defender services 49%. In considering all proposed changes, as presented, there is an increase to the Courts budget will increase by 31%, with all other cost remaining constant.

The below table details the current compensation levels, with the proposed changes and overall budget impact.

Position	Current	Propose	Change	% Change			
Public Defender	55,090	82,200	27,110	49%			
Professional fees	373,755	606,706	232,951	62%	(Judges, PD & Solicitor)		
Personnel & Supplies	367,200	367,200	-	0%			
Total Budget	740,955	973,906	232,951	31%			

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **RESOLUTION NO. 2018-037**
7

8 **A RESOLUTION TO AMEND THE CONTRACT FOR THE CITY PUBLIC**
9 **DEFENDER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE**
10 **AMENDED CONTRACT AND FOR OTHER LAWFUL PURPOSES**
11

12 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;

14 **WHEREAS**, the Mayor and Council ("City Council") is the duly elected governing
15 authority of the City;

16 **WHEREAS**, the City Council is authorized and has authorized the delegation of
17 the execution of contracts to the City Manager;

18 **WHEREAS**, the City Public Defender is responsible for providing indigent legal
19 defense services for defendants appearing in the City's Municipal Court, representing
20 these Defendants interests in all applicable Municipal Court proceedings, including First
21 Appearance Hearings, Plea & Arraignment calendars, Motions/ Probation Status
22 calendars, Bench Trial calendars, and Failure to Appear calendars;

23 **WHEREAS**, the total number of annual appearances made by the City Public
24 Defender in Municipal Court total Five Hundred Forty Eight (548) and the City desires to
25 fairly compensate the City Public Defender for service rendered during these
26 appearances.

27 **WHEREAS**, this ordinance will help to ensure and preserve the health, safety and
28 welfare of the City and public.
29

30 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY**
31 **RESOLVES:**
32

- 33 1. The City Manager is hereby authorized to execute the Agreement to provide
34 Solicitor services between Viveca Famber-Powell and the City of South Fulton, a
35 copy of which is attached hereto as "Exhibit 1;"
- 36 2. All previous contracts between the City and Viveca Famber-Powell and/or her
37 successors, agents or assigns hereby terminates on 11:59 p.m. on June 30, 2018.
- 38 3. In the event any portion of this resolution shall be declared or adjudged invalid or
39 unconstitutional, it is the intention of the City Council of the City of South Fulton,
40 Georgia, that such adjudication shall in no manner affect the other sections,
41 sentences, clauses or phrases of this ordinance which shall remain in full force and

effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

4. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

The foregoing RESOLUTION No. 2018-037, adopted on _____
was offered by Councilmember _____, who moved its approval.
The motion was seconded by Councilmember _____, and being put to a
vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2018. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

AGREEMENT

This Agreement is made and entered into by and between **City of South Fulton, Georgia** (hereinafter referred to as the “City”), and **Viveca R. Famber- Powell** (hereinafter referred to as “Powell” or “Public Defender”), **to provide for the engagement of Powell as an independent contractor to serve as the Public Defender for the City of South Fulton Municipal Court**, and to set forth the terms and conditions of the Agreement, including the mutual obligations, rights and duties of each party.

In consideration of the mutual promises as set forth in this Agreement, the City and Powell agree as follows:

SECTION 1: DUTIES.

The City agrees to engage Powell as an independent contractor to serve as Public Defender for the City of South Fulton Municipal Court to represent indigent defendants charged with crimes and violations of any city ordinance for which a criminal penalty can be imposed in the City of South Fulton Municipal Court from arrest through trial, if necessary. The Public Defender may, at her discretion, work with the City’s finance and grant departments to facilitate the procurement of grants impacting the Municipal Court. The Public Defender may reallocate portions of her compensation under this Agreement.

SECTION 2: TERM.

This Agreement shall become effective on July 1, 2018, and shall null, void and replace all other agreements between the parties for City Public Defender services. The Public Defender shall serve the remaining four-year term coincident with the term of the Mayor. During this term, the Public Defender may resign her position with the City upon giving forty-five (45) days written notice in advance, unless the parties otherwise agree.

The City may terminate this Agreement and remove the Public Defender from her position with or without cause upon giving sixty (60) days written notice in advance, unless the parties otherwise agree.

SECTION 3: PAYMENT FOR SERVICES RENDERED

Beginning July 1, 2018, the City agrees to pay the Public Defender for her services rendered at the rate of an annual base salary of Eighty- Two Thousand Two Hundred Dollars and no Cents (\$82,200) payable in twelve (12) equal monthly installments of Six Thousand Eight Hundred Fifty Dollars and No Cents (\$6,850.00) on the first business day of each month. Payment is subject to annual appropriations in the City Budget and compensation for the Public Defender may be modified by the City in accordance with the City's budgetary needs.

Payment should be made electronically, via electronic funds transfer, direct deposit or any other electronic means, except for the Public Defender's initial monthly payment under this Agreement, which may be made by check.

SECTION 4: HOURS OF WORK AND BENEFITS.

The position of Public Defender of the Municipal Court for the City of South Fulton is a part-time position. The Public Defender shall work the number of hours reasonably required to discharge the duties and responsibilities of Public Defender of the Municipal Court for the City of South Fulton including, but not limited to, appearance and attendance at each regularly and specially set Court hearing, conference, or other convening, as set by the City Municipal Court schedule, as amended from time to time. As an independent contractor, the Public Defender shall not be entitled to any overtime pay or compensatory time off for any hours worked in excess of forty (40) hours per week.

The Public Defender shall not be entitled to any benefits pursuant to her position with the City. The Public Defender shall be exempt from the provisions of the Fair Labor Standards Act. As an independent contractor, the Public Defender will hold responsibility for all applicable federal and state taxes. The Public Defender may engage in the private practice of law.

SECTION 5: INDEMNIFICATION.

Excluding actions by the Public Defender involving willful malfeasance or intentional misconduct, the City shall defend, save harmless, and indemnify the Public Defender against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Public Defender of the Municipal Court, to the same extent the Mayor and members of the City Council are so covered and indemnified. The City and its insurer will have the right to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The Parties agree that the City is not providing malpractice insurance to the Public Defender.

SECTION 6: OTHER TERMS AND CONDITIONS OF SERVICE.

The City, in consultation with the Public Defender, shall fix any such other terms and conditions of her continued service as Public Defender, as it may determine from time to time, relating to the performance of the Public Defender, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Agreement, the City Charter, or any other law.

SECTION 7: GENERAL PROVISIONS.

A. The text herein shall constitute the entire agreement between the parties.
All prior representations or statements are void.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of South Fulton has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk and the Public Defender, has signed and executed this Agreement, both in duplicate, the day and year first above written.

THIS AGREEMENT so agreed to and approved by:

PUBLIC DEFENDER:

VIVECA R. FAMBER-POWELL, ESQ.

CITY:

ODIE DONALD, CITY MANAGER

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Res2018-038 Amend City Solicitor Contract

DATE OF MEETING: 6/12/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Res2018-038 Solicitor	Cover Memo	6/7/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON


Office of the City Manager

WILLIAM "BILL" EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: The Honorable William Edwards
FROM: Odie Donald II 
DATE: May 29, 2018
SUBJECT: Fiscal Impact Statement – Municipal Court Ordinance
REFERENCE: **Additional Compensation for City Solicitor**

CONCLUSION

The fiscal year 2018 amended budget added \$100,000 to Municipal Court. Therefore, funds are available to implement the resolution in the current fiscal year. The resolution increases contracted service for the solicitor by 20% for fiscal 2018 and in subsequent years.

BACKGROUND

The City of South Fulton contracted with the LBJ Group LLC in December 2017 to serve as the Solicitor for the City effective January 1, 2018. The contract called for a flat monthly rate, with no allowance for overtime or city benefits. During the last month the City approved the extension of Municipal Court Operations which requires additional court appearances by the city solicitor. This resolution seeks to increase the contracted amount of the previously agreed compensation by 20% to \$114,000 annually.

FINANCIAL PLAN IMPACT

The financial impact of the proposed resolution will contribute to an overall 31% increase to the courts budget, when combined with the proposed increase for Judges and the Public Defender. The increases are shown in the below table.

Position	Current	Propose	Change	% Change				
Solicitor	95,000	114,400	19,400	20%				
Professional fees	373,755	606,706	232,951	62%	Judges, Solicitor & Public Defender			
Personnel & Supplies	367,200	367,200	-	0%				
Total Budget	740,955	973,906	232,951	31%				

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **RESOLUTION NO. 2018-038**
7

8 **A RESOLUTION TO AMEND THE CONTRACT FOR THE CITY SOLICITOR**
9 **AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDED**
10 **CONTRACT AND FOR OTHER LAWFUL PURPOSES**
11

12 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
13 organized and existing under the laws of the State of Georgia;

14 **WHEREAS**, the Mayor and Council (“City Council”) is the duly elected governing
15 authority of the City;

16 **WHEREAS**, the City Council is authorized and has authorized the delegation of
17 the execution of contracts to the City Manager;

18 **WHEREAS**, the City Solicitor is the prosecuting attorney for the City of South
19 Fulton, representing the City’s interests in all Municipal Court proceedings, including
20 First Appearance Hearings, Plea & Arraignment calendars, Motions/ Probation Status
21 calendars, Bench Trial calendars, Failure to Appear calendars, and Environmental Court
22 proceedings;

23 **WHEREAS**, the total number of annual appearances made by the City Solicitor
24 in Municipal Court total Five Hundred Seventy Two (572) and the City desires to fairly
25 compensate the City Solicitor for service rendered during these appearances.

26 **WHEREAS**, this ordinance will help to ensure and preserve the health, safety and
27 welfare of the City and public.
28

29 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY**
30 **RESOLVES:**
31

- 32 1. The City Manager is hereby authorized to execute the Agreement to provide
33 Solicitor services between The LBJ Group and the City of South Fulton, a copy of
34 which is attached hereto as “Exhibit 1;”
- 35 2. All previous contracts between the City and The LBJ Group and/or its successors,
36 agents or assigns hereby terminates on 11:59 p.m. on June 30, 2018.
- 37 3. In the event any portion of this resolution shall be declared or adjudged invalid or
38 unconstitutional, it is the intention of the City Council of the City of South Fulton,
39 Georgia, that such adjudication shall in no manner affect the other sections,
40 sentences, clauses or phrases of this ordinance which shall remain in full force

41 and effect, as if the invalid or unconstitutional section, sentence, clause or phrase
42 were not originally a part of the ordinance.
43

- 44 4. All resolutions and parts of resolutions in conflict with this resolution are hereby
45 repealed.
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

The foregoing RESOLUTION No. **2018-038**, adopted on _____
was offered by Councilmember _____, who moved its approval.
The motion was seconded by Councilmember _____, and being put to a
vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2018. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

AGREEMENT

This Agreement is made and entered into by and between the **City of South Fulton, Georgia** (hereinafter referred to as the “City”), and **The LBJ Group** (hereinafter referred to as “LBJ” or “Solicitor”), **to provide for the engagement of LBJ as an independent contractor to serve as the Solicitor for the City of South Fulton Municipal Court**, and to set forth the terms and conditions of the Agreement, including the mutual obligations, rights and duties of each party. This Agreement amends and replaces the previous agreement between the parties and/or their agents, successors or assigns.

In consideration of the mutual promises as set forth in this Agreement, the City and Solicitor agree as follows:

SECTION 1: DUTIES.

The City agrees to engage LBJ as an independent contractor to serve as Solicitor for the City of South Fulton Municipal Court to represent the City in prosecuting crimes and violations of City Ordinances in the City of South Fulton Municipal Court including through trial, if necessary. The Solicitor may, at her discretion, work with the City’s finance and grant departments to facilitate the procurement of grants impacting the Municipal Court. The Solicitor may reallocate portions of her compensation under this Agreement to assist with the performance of her duties set forth in this Agreement.

SECTION 2: TERM.

This Agreement shall become effective on July 1, 2018, and shall null, void and replace all other agreements between the parties for City solicitor services. The Solicitor shall serve the remaining four-year term coincident with the term of the Mayor. During this term, the Solicitor may resign her position with the City upon giving forty-five (45)

days written notice in advance, unless the parties otherwise agree. The City may terminate this Agreement and remove the Solicitor from her position with or without cause upon giving sixty (60) days written notice in advance, unless the parties otherwise agree.

SECTION 3: PAYMENT FOR SERVICES RENDERED

Beginning July 1, 2018, the City agrees to pay the Solicitor for her services rendered at the rate of an annual base salary of One Hundred Fourteen Thousand, Four Hundred and no Cents (\$114,4000) payable in twelve (12) equal monthly installments of Nine Thousand Five Hundred Thirty- Three Dollars and Thirty-Three Cents (\$9,533.33) on the first business day of each month. Payment is subject to annual appropriations in the City Budget and compensation for the Solicitor may be modified by the City in accordance with the City's budgetary needs.

Payment should be made electronically, via electronic funds transfer, direct deposit or any other electronic means, except for the Solicitor's initial monthly payment under this Agreement, which may be made by check.

SECTION 4: HOURS OF WORK AND BENEFITS.

The position of Solicitor of the Municipal Court for the City of South Fulton is a part-time position. The Solicitor shall work the number of hours reasonably required to discharge the duties and responsibilities of the Solicitor of the Municipal Court for the City of South Fulton including, but not limited to, appearance and attendance at each regularly and specially set Court hearing, conference, or other convening as set by the City Municipal Court schedule, as amended from time to time.

As an independent contractor, the Solicitor shall not be entitled to any overtime pay or compensatory time off for any hours worked in excess of forty (40) hours per week.

The Solicitor shall not be entitled to any benefits pursuant to her position with the City. The Solicitor shall be exempt from the provisions of the Fair Labor Standards Act. As an independent contractor, the Solicitor will hold responsibility for all applicable federal and state taxes. The Solicitor may engage in the private practice of law.

SECTION 5: INDEMNIFICATION.

Excluding actions by the Solicitor involving willful malfeasance or intentional misconduct, the City shall defend, save harmless, and indemnify the Solicitor against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of her duties as Solicitor of the Municipal Court, to the same extent the Mayor and members of the City Council are so covered and indemnified. The City and its insurer will have the right to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The Parties agree that the City shall not provide professional liability insurance to the Solicitor.

SECTION 6: OTHER TERMS AND CONDITIONS OF SERVICE.

The City, in consultation with the Solicitor, shall fix any such other terms and conditions of her continued service as Solicitor, as it may determine from time to time, relating to the performance of the Solicitor, provided such terms and conditions are not inconsistent with or in conflict with the provisions of the Agreement, the City Charter, or any other law.

SECTION 7: GENERAL PROVISIONS.

A. The text herein shall constitute the entire agreement between the parties. All prior representations or statements are void.

B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portions thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of South Fulton has caused this Agreement to be signed and executed in its behalf by its Mayor, and duly attested by the City Clerk and the Solicitor, has signed and executed this Agreement, both in duplicate, the day and year first above written.

THIS AGREEMENT so agreed to and approved by:

SOLICITOR:

LADAWN BLACKETT JONES, ESQ. AS AGENT OF THE LBJ GROUP

CITY:

ODIE DONALD, CITY MANAGER

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Ord2018-027 Judges Compensation

DATE OF MEETING: 6/12/2018

DEPARTMENT: Attorney

ATTACHMENTS:

Description	Type	Upload Date
Ord2018-027 Judge Compensation	Cover Memo	6/8/2018

GOVERNMENT OF THE CITY OF SOUTH FULTON

Office of the City Manager


WILLIAM “BILL” EDWARDS
MAYOR



ODIE DONALD II
CITY MANAGER

MEMORANDUM

TO: The Honorable William Edwards

FROM: Odie Donald II 

DATE: May 14, 2018

SUBJECT: Fiscal Impact Statement – Municipal Court Ordinance

REFERENCE: **Pay Structure of Municipal Court Judges**

CONCLUSION

Funds are sufficient in the fiscal year 2018 (FY18) budget to implement the proposed resolution.

BACKGROUND

The proposed resolution seeks to comply with City Charter Section 5.11, which requires Council to set the fixed compensation of the Chief Judge and other judges. The proposed resolution changes the compensation structure to a monthly retainer of \$4,000 plus appearance fees of \$250 for first appearance and \$400 for each additional appearance. The estimated cost based on current court operation are for six (6) first appearances and seven (7) additional appearances per week. The minimum number of appearances in a week for the Chief Judge is estimated to be eight (8). The resolution increases contracted service for the Chief Judge and Pro-Tem Judges 113% for FY19 and subsequent years. The FY18 amended budget increases the Municipal Court allocation to accommodate increased activity that was previously unbudgeted. Therefore, funds are available to implement the resolution during the current fiscal year with a projected balance of \$57,711 available to be allocated to other required expenses within the court.

FINANCIAL PLAN IMPACT

The fiscal impact of the proposed resolution on the Municipal Court budget is presented below, keeping all other cost constant. The line item percentage change is also presented to show the impact over the next three fiscal years.

Municipal Court	2018 Budget	2018 Propose	2019 Proposed	FY 20 Proposed	FY 2021 Proposed
Personnel Cost	343,394	343,394	343,394	343,394	343,394
Contracted Service	373,755	416,044	560,106	560,106	560,106
Supplies	23,806	23,806	23,806	23,806	23,806
Total	740,955	783,244	927,306	927,306	927,306

Professional fees (Judges)	2018 Budget	2018 Propose	2019 Proposed	FY 20 Proposed	FY 2021 Proposed
	85,249	127,538	271,600	271,600	271,600
% Increase		50%	113%		

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**
4

5
6 **ORDINANCE NO. 2018-027**
7

8 **AN ORDINANCE ESTABLISHING THE COMPENSATION STRUCTURE FOR**
9 **THE CHIEF JUDGE OF THE MUNICIPAL COURT, THE COMPENSATION**
10 **STRUCTURE FOR ADDITIONAL JUDGES FOR THE MUNICIPAL COURT**
11 **AND FOR OTHER LAWFUL PURPOSES**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15 **WHEREAS**, the Mayor and Council ("City Council") is the duly elected governing
16 authority of the City;

17 **WHEREAS**, the City Charter provides that the Municipal Court is presided over
18 by a chief judge and such part-time, full-time and stand-by judges as shall be provided by
19 ordinance;

20 **WHEREAS**, the City Council is empowered through the City Charter to create an
21 ordinance establishing the compensation structure of the Chief Judge and all other judges
22 serving the City's Municipal Court; and

23 **WHEREAS**, this ordinance will help to ensure and preserve the health, safety and
24 welfare of the City and public.
25

26 **NOW, THEREFORE, THE MAYOR AND CITY COUNCIL HEREBY**
27 **ORDAIN AS FOLLOWS:**
28

29 **Section 1:** The Code of the City of South Fulton is hereby revised by amending the City
30 Code Title 7, Municipal Court, Section 7-1002(a), as follows:

31
32 **TITLE 7. – MUNICIPAL COURTS**

33 **CHAPTER 1. - IN GENERAL**

34 **Sec. 7-1002(a). - Judges.**

35 (1) Compensation for the Chief Judge shall be fixed as follows;

- 36 a. The Chief Judge shall receive a monthly retainer of Four Thousand Dollars
37 and No Cents (\$4000.00) as compensation for performing the duties
38 associated with the effective administration of the Municipal Court.

- 39 b. The Chief Judge shall also be compensated for each Court session he/she
40 presides over according to the following schedule:
41 First Appearance: Two Hundred Fifty Dollars and No Cents (\$250.00);
42 All other sessions: Four Hundred Dollars and No Cents (\$400.00)
43 c. Nothing in this Ordinance shall be construed to limit the ability of the
44 Chief Judge and the Council to contract for the Chief Judge to preside over
45 a fixed number of monthly Court sessions.
46 (2) All other judges shall be compensated only for the Court sessions over which they
47 preside according to the compensation schedule set forth in subsection (a)(1)(b)
48 above. The judges shall be paid monthly for their service.
49

50 **Section 2: Severability.** In the event any portion of this ordinance shall be declared
51 or adjudged invalid or unconstitutional, it is the intention of the City Council of the City
52 of South Fulton, Georgia, that such adjudication shall in no manner affect the other
53 sections, sentences, clauses or phrases of this ordinance which shall remain in full force
54 and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were
55 not originally a part of the ordinance.

56
57 **Section 3: Repealer.** All ordinances and parts of ordinances in conflict with this
58 ordinance are hereby repealed.

59 **Section 4: Effective Date.** Unless specially specified elsewhere in this ordinance, the
60 effective date of this ordinance shall be July 1, 2018.

The foregoing ORDINANCE No. **2018-027**, adopted on _____
was offered by Councilmember _____, who moved its approval. The
motion was seconded by Councilmember _____, and being put to a
vote, the result was as follows:

FIRST READING

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Mark Baker, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2018. **CITY OF
SOUTH FULTON, GEORGIA**

FIRST READING

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Cowarts Lake

**DATE OF
MEETING:** 6/12/2018

DEPARTMENT: Finance



CITY OF SOUTH FULTON
COUNCIL AGENDA ITEM
COUNCIL REGULAR MEETING



SUBJECT: Avenu Insights & Analytics (RDS) Agreement

**DATE OF
MEETING:** 6/12/2018

DEPARTMENT: Finance
